

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO. 5:07CR50-1-RLV**

**THIS MATTER** is before the Court upon Defendant's Motion To Continue from the March 4, 2013, criminal term, in the Statesville Division.

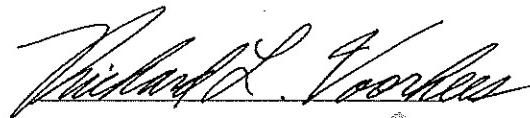
In support of this Motion the Defendant represents the following:

- 1) The Defendant is charged in a twenty-six count Bill of Indictment, filed on December 18, 2007, alleging violations pursuant to 18 U.S.C. § 2; 18 U.S.C. § 9223(g)(1); 18 U.S.C. § 846; U.S.C. § 841(a)(1); U.S.C. § 924(c)(1); and 12 U.S.C. § 851.
  - 2) Defendant was appointed counsel on November 4, 2013.
  - 3) The Defendant was arraigned on November 8, 2012.
  - 4) An open file discovery agreement was executed between the parties on November 26, 2012.
  - 5) On November 27, 2012, the Defendant retained Timothy Smith as private counsel, and filed a formal Notice of Appearance.
  - 6) Defense counsel, Smith, was informed that the Defendant will be hiring a new attorney, and will be filing a Motion to Withdraw.
  - 7) A change in defense counsel will delay receipt of discovery, and delay review of discovery, which could delay trial preparation.
  - 8) The Government does not oppose this Motion.

For the reasons stated in Defendant's Motion and upon a showing that defense counsel has not had sufficient time within which to adequately prepare in this case, taking into account the exercise of due diligence, the Court will allow the continuance. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by taking such action as requested by the Defendant outweigh the best interest of the public and the Defendant to a speedy trial. The Court also feels that a Status of Counsel Hearing is warranted in this matter.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion for a continuance is **GRANTED**. This case is hereby continued from the March 2013, criminal term in the Statesville Division to the May 6, 2013, criminal term in the Statesville Division. **IT IS, FURTHER ORDERED** that the Clerk's Office set a Status of Counsel Hearing following Calendar Call on March 4, 2013, in this matter.

Signed: February 14, 2013



Richard L. Voorhees  
United States District Judge

